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1942 - 43

(Ml.)

File No 12642

Previous References

Serial Nos ~~1/5/1780/42~~ 1s(a)

Later References

Ml 52-43-(42

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for Feb 43

SUBJECT

Resolutions of the Bangalore City Municipal Council

42 To the Dpty City Municipal Council, Bangalore
No L 7511 dt 1-2-43
Requests that the meeting may be advised against the impropriety of Considering such subjects at their meetings their reference in letter

BANGALORE CITY MUNICIPALITY

No Proc N 36/42
Encl Cucl one

MUNICIPAL OFFICES
Bangalore 27th July, 1943

FROM V K Govindarajulu, Esq , B A , B L , ,
~~MUNICIPAL COMMISSIONER~~ Honorary President
Bangalore City

SECY LAW DEPT 30/7/43 Govt of Mysore

GEN DEPT 734 30 JULY 1943 L S G & A C

OFFICE OF THE MINISTER FOR L S G & P H Date 2.8.43 N 9523

C Narayanaswamy Naidu Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR,

"B"

With reference to your letter No L 7511/M1 126-42 dated 1st February 1943 stating that the Municip l Council had trespassed beyond its proper limits in considering certain subjects mentioned in the letter, I have the honour to state that the letter under reference was placed before the Municipal Council at their meeting held on 15th April 1943, and Mr P R Ramiah moved a resolution that the Council does not agree with the Government's view and it is of opinion that it has not tresspassed beyond its limits

A copy of the resolution is forwarded herewith for favour of information of Government

I have the honour to be,
Sir,
Your most obedient servant,

Submitted for Perusal
1/8

SECY L & V DEPT 1145 MYSORE

Honorary President

mlt

This is a department with which Govt are not concerned & the matter may be dropped

2-8-43

2-8-43

10 Aug 43

PROCEEDINGS OF THE MEETING OF COUNCIL DATED 15-4-1943

3(g) Letter No L 7511/Ml 126-42 dated 1st February 1943 from the Secretary to Government, Law Department, that certain resolutions passed by the Municipal Council are contrary to the provisions of Section 27(3) of the Mysore City Municipalities Act and the instructions conveyed in Government Order No L 5038-47/Ml 133-37-1 dated 4th December 1937 etc

Resolution - Mr W H Hanumanthappa requested the President to read the letter received from Government The President did so

Mr W H Hanumanthappa said that the word 'Municipa' was derived from Rome and it meant 'Protecting the rights of the citizens of the City' It was not defined in the Act as to what matters relating to Municipal Administration and what not He said that under Section 49, the Council had the power of deciding to embark on any expenditure and Government had only a secondary power of sanctioning it, under section 61 He also referred to Section 22 of the Act and said that Municipal Government vests with the Municipal Council

Mr P R Ramiah speaking on the Subject said that every one of the resolutions passed by the Council related to the Municipal affairs As an instance he pointed out of the resolutions passed in connecti n with the food problem, though a Special Officer had been appointed by Government to look after the problem He said the resolutions were passed in the best interests of the citizens He said that the arrest of the President, detension of some brother Councillors in Jail, supply of newsprints to some newspapers all related to Municipal Administratio and he therefore moved the following resolution -

> "This Council does not agree with the view of Government contained in the Law Secretary's letter and is of the opinion that it has not tresspassed beyond its limits but is on the other hand within its jurisdiction in passing the said resolutions"

Mr K N Ramaswami seconded the above, and Mr Ramlal Thiwari supported it

The President then made the following observations He said that such observations from Government were affecting the rights of the members of the Council The Council is entitled to express its opinion on several public questions and the interpretation by Government only fettered the powers of the Council to a great extent Many of the matters referred to these resolutions, either rel te to the well being or the economic condition of citizens of Bangalore City

Bangalore City, and as such, they are within the scope of Sect 61(4) of the Mysore City Municipalities Act Safety of property and person are also subjects in which the Municipal Council has interest He hoped Government would see that the Local Self Government Institutions always grow in strength and power and privileges

The the resolution of Mr P R Ramiah was put to vote and carried, 7 voting for and 5 against it

Sd V K Govindarajulu,
Hon President

"Copy"

V K Govindarajulu
Honorary President 29/11/47

mlt

Proceedings of the Adjourned Council Meeting held on 15-4-1943 (Thursday) at 2 P.M. in the City Municipal Offices, Bangalore City

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Present

V K. Govindaraju, Esq , B.A., B L ,

President

Messrs	Messrs
1. H.H Hanumanthappa	8. P.R. Ramiah
2. R. Hubbanna	9 C, Krishna Rao
3. T.L. Gangoji Rao	10. K. Krishnaswamy Pillai
4. V Venkataramanappa	11. H.W. Chouse
5. B.S Shankarappa Setty	12. A R A Basith
6. K. Ganga Setty	13. H B Mohamad Khan
7. K.N. Ramaswamy, B.A ,	14. Dr M. Royan, M D
15 V Chikkayellappa	

Absent

Messrs.	Messrs
1. Kamala Dhiwari	8 C.V Narasinga Rao, B.A , B.L ,
2 L S Raju, M A (Mons) B L	9. H.R. Guruv Reddy, B.A., LL B.
3 G Nanjappa	10 M.A. Gopalaswamiengar, B.A , LL B
4 K Shamiah Chetty, B A , LL B ,	11. V L. Narasimha Iyengar, B A , B.L
5 T Ganadharaswamy	12 B. Subbiah, B.Sc., LL B ,
6 V. Venkataswamy Chetty	13. Pota Kamakshiah Setty.
7 Y. Shamaiengar, B.A ,	14 Mirza Ar ezulla Beig

3174

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BANGALORE CITY MUNICIPALITY

No C2-C 879/42.

Encl

MUNICIPAL OFFICES

Bangalore 12th December 1942

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

C Narayanaswamy Naidu, Esq , B A , B L ,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

I have the honour to forward herewith for orders of Government a copy of the resolution of the Municipal Council held on 14-11-1942 requesting the Government to appoint a Committee of Non-officials who command the confidence of the people for the purpose of inquiring into and making a report on the treatment of political prisoners and detenues in the jails in the state

I have the honour to be,
Sir
Your most obedient servant,

Forwarded with compliments

V Venkataswamy Reddy

Honorary President-in-charge

Municipal Commissioner

Submitted for Secretariat orders

It is a matter unconnected with the administration of Municipal affairs in Bangalore though the Council are aware of their position, yet they have passed the above resolution & the personal attention is called for

Please keep up to date

4 The Bangalore city shall have pass at their ordinary general meeting held on 16 11 1942 the following resolution —

"This Council urges the Govt to appoint a Committee of non-Official Members who command the confidence of the people for the purpose of inquiring into & making a report on the treatment of political prisoners & other detenues in the Jails and the steps to be taken

5 That the Govt be submitted the same for their information

6 The point for consideration is whether it is proper for the Council to have passed the above resolution & if not, what action should be taken by the Govt in this matter?

7 Under the provisions of Section 27 (3) of the Mysore City Municipalities Act 1933, it is laid down that all the meetings of the Municipal Council & Committees shall be open to the public & that no business shall not be transacted unless the provisions of these Regulations in Schedule have also been issued in the year 1937 to all Municipalities in the State that matters not connected with the Municipal administration shall not be discussed at the meetings of the Council

8 In applying the principles of the above Section the instructions issued in this behalf [illegible] to be held that the resolution

Index X 38.24
Jul 138-37-1

resp[t] to, cannot be considered to be proper
& that, full dep[t] report to any
breach by the municipal functions — either
obligations of discretionary. We shall are
aware of their duties, as they say that
although this does not strictly come within the
jurisdiction, yet as a responsible body
they could pass this resolution.
The only point is - what action
could be taken by the Govt in the matter?
It is stated, no provision under the city
of this Act is corresponding to sec 91 of the
Municipal Corp[n] Boards Act - according to which
a charge could be taken either to have the
resolution [illegible] or expunged from the
proceedings & merely section under which
the [illegible] might be brought is Sec 226 of the
Act, according to which the Govt might be
entitled to take [illegible] powers
and [illegible] action is however the
last resort.
It is reported in the Daily News
of the 15th of January that the City Govt
have passed a resolution on the 7th with expressing
great anxiety with the attitude of Govt
in withdrawing the newsprint to several newspapers
in the city of [illegible]. Mr Law minister has been
pleased to enquire therein whether it is a
proper restriction for that control

This resolution is similar to the one passed by the Mysore Legislature but they have not yet come forward. In view of the proviso to sec 43 of the Act I the instructions issued on this behalf this resolution cannot be considered to be a proposal. Since there is no other provision in the city municipalities Act 1933 enabling the Govt to take action except that of supersession, it is for orders if the attention of the Municipality may not be drawn to the powers of section 77 of the Act & the instructions of Govt issued in the matter in Dec 1937

2) It is also for consideration of the question of amending the Municipalities Act by inserting a section similar to that of Sec 91 of the Bombay Act enabling the Govt to remove or stay the proceedings resulting in the kind now under discussion the want of such a provision - which would be the intermediate stage - before supersession could be thought of is regretted to be felt in recent days, having regard to the defiant attitude shown by some of the Municipalities in the State

For orders

Law Secy 17/12/37

(1) The Municipal Councils Act does not empower the Govt to call for proceedings of the Municipality as the Bombay Act has expressly done

LOY LAW DEPT 7517 GOVT OF MYSORE

(1) No: treatment of Aliens and detainees in the Courts of this State

Continuation Sheet No File No / Current No 126 of WR Page 3703/42

jurisdiction to consider matters connected with the Internment administration Contrary to the provisions of the Defence Act 1939 s 27(3) of the Civil Aviation Act 1937 & the instructions issued in the G.O. Made 4-12-1937 (M.Z.)

(2) There is no provision corresponding to s 51 of the Defence Regulations empowering the Court to direct the release of the person detained. All the Court has to do is to report, but this is a cumbrous step.

(3) Moreover a warning may be given by the Court against persistence in an attitude then action may be taken under s 22A

(4) It may not be necessary to amend the Act immediately.

JAN 5 1943 No 5899

S140

OFFICE OF THE MINISTER FOR I S G & P H Date 18 12 42 No 10888

Min Def 2 S G
Min Def Navy
Defence

Crs 17-12-42
for 18/12/42
(5) Min
3 1 43

WD 0972-GPB-10 000 [illegible]

Draft Min 7/1/43 Crs 7-1-43

certain Resolutions passed by the Bangalore city 3703

Continuation Sheet. ML File No / Current No 126 of 42 Page 337

21) Submitted with draft & letter for approval

13/1 GS 13/1

21) Draft as revised is for appl

Lawrence for 13/1/

23) Draft letter for the revised to a
include orders in respect of all the fo
resolutions passed by the Municipality the
and Labour for appl

Lawrence for 15/1/4

24 For perusal

Murdoch SG

Asp 16-1-43
Secy
25/1/43
Asp 26-1-43
Secy
26/1/43

To The Addl, Asst ML cl, Bangalore

No R7511 dt 1-2-43

Requests that the ML cl may be strictly advised against the impropriety of considering such subjects at their meetings & their repetition in future

SECY TO GOVT MYSORE DEPT 383

CHIEF OFFICER TELEGRAPHS TELS & P H Dt 19/1/43 No 5528

PO Asst SG

Mnl 126-42-15

ORDINARY CENTRAL MEETING OF THE COUNCIL
DATED 14-11-1942

Proposition No 4

Mr T Gangadharaswamy to move -

(a) This Council urges the Government to appoint a Committee of Non-officials who command the confidence of the people for the purpose of inquiring into and make a report on the treatment of political prisoners and detenues in the Jails in the State.

Mr T Gangadharaswamy moved ~~that~~ and Mr Y N Ramaswamy seconded

Mr V Y Govindarajulu observed that though this did not strictly come within their jurisdiction, yet as a responsible body, they could pass this resolution

Then the proposition was approved

Sd V Venkataswamy Chetty,
Honorary President-in-charge

'Copy'

Municipal Commissioner

mlt

No 12/12

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LSI

Appendix F G—1]

SUBJECT

resp'

Section ml

File No 126—42

Serial No

No L 75-11

Diary No of letter replied to

To

The President,

Bangalore city Mcl

General and Revenue Secretariat

( )

the *193*

Sir

I am directed to state that the city Mcl have passed the marginally noted resolutions on the dates mentioned against each and they have been sent to the Govt They have also passed another resolution no IV about the supply of newsprint to the newspapers in the city Govt observe that, in passing the said

Date of issue 1/2/43

Signed by Mr. [illegible] Narayanaswamy

Asstt

This council was upon the Govt (1) to hold an independent inquiry into the allegations of police excesses in connection with the recent political disturbances (2) to release political prisoners detained and (3) to withdraw all prohibitory orders & repressive measures 28/10/1942

2 Nos carried in opposition

That the Govt has been extremely hasty in arresting the President of the Bangalore city Mcl and the Councillors and strongly condemns their action as leading to the present unrest in the State & the consequent

List of enclosures

Copied by

Examined by

WP 9521—GPB—30 000—12 3 37

Hosy (14 11 1942

resolutions, the Municipal Council has exceeded beyond the its proper limits, by assuming jurisdiction to consider matters unconnected with the Municipal administration, contrary to the provisions of section 37 (3) of the Municipalities Act 1933 and also the instructions conveyed by the Govt in U.O. No. L.S.O. 38/47 I. No. 133-37-1 dt 4-12-37

I am to request that the Municipal Council may be strictly advised against the impropriety of considering such subjects at their meetings and their repetition in future.

Thaveen

Asst to Legal Adviser

for Law Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 7511/rul 126-42 *Dated Bangalore* ~~26th January~~ 1-2- 1943

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Law Department

To

The President,

Bangalore City Municipal Council, Bangalore

Sir,

I am directed to state that the City Municipal Council have passed the marginally noted resolutions on the dates mentioned against each and they have been sent to the Government They have also passed another resolution No IV about the supply of newsprint to the newspapers in the City Government observe that in passing the said resolutions, the Municipal Council has trespassed beyond its proper limits, by assuming jurisdiction to consider matters unconnected with the Municipal Administration, contrary to the provisions of Section 27(3) of the Mysore City Municipalities Act 1933 and also the instructions conveyed by the Government in O M No L 5038-47/M 133-37-1 dated 4th December 1937 I am to request that the Municipal Council, may be strictly advised against the impropriety of considering such subjects at their meetings and

1 This Council urges upon the Government (1) to hold an independent enquiry into the allegations of Police Excesses in connection with the recent political disturbances (2) to release all political prisoners and xxx detenus and (3) to withdraw all ~~xxxxxxx~~ prohibitory orders and repressive measures 20-10-1942

2 This Council is of opinion that the Government has been extremely hasty in arresting the President of the Bangalore City Municipal Council and other Councillors and strongly condemn their action as leading to the present unrest in the State and the consequences thereof 14-11-1942

3 This Council urges the Government to appoint a Committee of non-officials who command the confidence of the people for the purpose of inquiring into and making a report on the treatment of political prisoners and detenus in the Gaols in the State 14-11-1942

4 This Council views with great anxiety the attitude of the Government in withholding the newsprint to the several newspapers in the City without any reason or giving an opportunity to the said papers to meet the charges, if any against them and urges that the restrictions regarding newsprint be immediately ~~xx~~ removed 14-11-1942

(P T O)

and their repetition in future

I have the honour to be,
Sir,
Your most obedient servant,

(Draft) for Secretary to Government,
Law Department

AGa/2